

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-21  
TO THE ASSISTANT SECRETARY FOR DEFENSE PROGRAMS

Pursuant to the authority vested in me as Secretary of Energy and by Section 642 of the Department of Energy Organization Act (Pub. L. 95-91) (the "DOE Act"), there is hereby delegated to the Assistant Secretary for Defense Programs the authority to:

1. Take the following actions under the referenced sections of the Atomic Energy Act of 1954 (Pub. L. 703, 83rd Cong., 2d Sess.), as amended:
  - A. Carry out the consultations, obtain the concurrence of the Secretary of State, and recommend appropriate action to the Secretary, as provided in Section 57.b.;
  - B. Establish the administrative procedures required by Section 57.b.;
  - C. Provide DOE's view as to whether a proposed export would be inimical to the common defense and security of the United States, under Section 109.c.;
  - D. Consult with the Nuclear Regulatory Commission ("NRC") as provided in Section 109.b.;
  - E. Determine whether a proposed distribution of special nuclear material or source material would be inimical to the common defense and security, as required by Section 111.b.(2);
  - F. Determine on behalf of DOE whether a proposed export under Section 126 would be inimical to the common defense and security;
  - G. Determine DOE's position, as may be required under Section 127.(3), as to whether physical security measures provide a level of protection equivalent to that required by applicable (NRC) regulations;
  - H. Determine whether any proposed subsequent arrangement, including any approval contemplated in Section 402(a) of the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242) (the "NNP Act"), would be inimical to the common defense and security, as required by Section 131.a.(1);
2. Take the following actions under the referenced sections of the NNP Act:
  - A. Consult with the NRC as provided in Section 304(d);
  - B. Establish and operate a training program, pursuant to Section 202.

The authority delegated herein to the Assistant Secretary for Defense Programs may be further delegated, in whole or in part, as may be appropriate.

In exercising the authority delegated by this Order or as redelegated pursuant thereto, the delegate(s) shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the Secretary or his delegate(s).

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

This Order, is effective May 8, 1978.

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James R. Schlesinger  
Secretary of Energy